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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CERVETTI, DAVID GARCIA	
ART UNIT	**PAPER NUMBER**
2136	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,113	RAIKAR ET AL.	
	Examiner	Art Unit	
	David G. Cervetti	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 June 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending and have been examined.

Information Disclosure Statement

2. It is noted that no Information Disclosure has been filed in this application, even though the Background section of the Specification discloses multiple vendors provide intrusion detection systems with some of the features claimed (i.e. issuing alerts – claims 2 and 5 – and providing responses to the detected intrusion – claims 1, 3, and others). An IDS stating the prior art Applicant is aware of is respectfully requested.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 142, 143. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because: reference character "150" has been used to designate both utility controller

database and equipment rack; reference character "357" has been used to designate both communication bus and communication port. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because: reference characters "172" and "173" have both been used to designate network application management platform (pages 13-14); reference characters "300" and "350" have both been used to designate computer system (page 22). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

6. It is respectfully noted that this is not a complete list of informalities regarding the drawings. Appropriate correction is required.

Specification

7. The disclosure is objected to because of the following informalities: "VGA" (page 9), "SNMP", "API" (page 16), "GUI", "DNS", "IP" (page 18), "NNM" (page 21). These terms have not been defined. Appropriate correction is required.

Double Patenting

8. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 10/627,374. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is fully disclosed in the referenced copending application.

9. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

- the instant application discloses an integrated intrusion detection method comprising: gathering information from a plurality of different types of

intrusion detection sensors; processing said information, wherein said processing provides a consolidated correlation of said information; assigning a response corresponding to said information; and implementing said response;

- the copending application discloses a method for configuring an intrusion detection system in a network, comprising: determining a location for a deployed intrusion detection sensor of said intrusion detection system wherein said sensor in enabled to monitor communication in a portion of said network; deploying said intrusion detection sensor in said location in said network; tuning said intrusion detection sensor to an appropriate level of awareness of content in said communication in said network; prioritizing responses generated by said intrusion detection sensor to achieve an appropriate response to a detected intrusion in said network; and configuring intrusion response mechanisms in said network to achieve an appropriate response by said mechanisms.

11. Claims 1-20 of the instant application are envisioned by copending Application No. 10/627,374's claims 1-27 in that claims 1-27 of the copending application contain all the limitations of claims 1-20 of the instant application. Claims 1-20 of the instant application therefore are not patently distinct from the copending application claims and as such are unpatentable for obvious-type double patenting.

12. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of Patent

7,007,301. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is fully disclosed in the referenced patent.

13. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

14. The subject matter claimed in the instant application is fully disclosed in the referenced patent and is covered by the patent granted since the referenced patent and the instant application are claiming common subject matter, as follows:

- the instant application discloses an integrated intrusion detection method comprising: gathering information from a plurality of different types of intrusion detection sensors; processing said information, wherein said processing provides a consolidated correlation of said information; assigning a response corresponding to said information; and implementing said response;
- the patent discloses a computer architecture for an intrusion detection system, comprising: a control agent to interface with a management system and to monitor system activity; at least one data gathering component which gathers kernel audit data and syslog data; at least one correlator to interpret and analyzes the kernel audit data and the syslog data using at least one detection template, wherein said at least one correlator uses an event driven correlation using an Event Correlation Services (ECS) engine core, wherein said at least one detection template

is selected from the group including: a modification of files/directories template; a chance to log files template; a SetUID files template; a creation of world-writables template; a repeated failed logins template; a repeated failed SU commands template; a race conditions attack template; a buffer overflow attacks template; a modification of another user's file template; a monitor for the start of interactive sessions template; and a monitor logins/logouts template..

15. Claims 1-20 of the instant application are envisioned by Patent 7,007,301's claims 1-19 in that claims 1-19 of the patent contain all the limitations of claims 1-20 of the instant application. Claims 1-20 of the instant application therefore are not patently distinct from the patent claims and as such are unpatentable for obvious-type double patenting.

Claim Rejections - 35 USC § 112

16. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There are only two mentions of a "hook" in the specification without a clear explanation of what it is or what purpose it serves.

18. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

19. Claims 7-8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

20. The term "appropriate response/hooks" in these claims is a relative term which renders the claims indefinite. The term "appropriate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

21. Claim 7 recites the limitation "said detection sensors". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

23. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Desai et al. (US Patent Application Publication 2003/0188189, hereinafter Desai).

Regarding claim 1, Desai teaches an integrated intrusion detection method comprising **(paragraphs 34-39)**:

- gathering information from a plurality of different types of intrusion detection sensors **(paragraphs 44-49)**;
- processing said information, wherein said processing provides a consolidated correlation of said information **(paragraphs 46-54)**;
- assigning a response corresponding to said information **(paragraphs 52-55)**; and
- implementing said response **(paragraphs 63-76)**.

Regarding claim 8, Desai teaches a computer usable storage medium having computer readable program code embodied therein for causing a computer system to implement intrusion detection instructions comprising **(paragraphs 34-39)**:

- a data collection module for receiving information from a plurality of different types of security examination components, wherein said information indicates potential security issues **(paragraphs 44-49)**;
- an integration module for integrating said information in a network application management platform **(paragraphs 46-54)**;
- a reaction determination module for determining appropriate response to indication of said potential security issues **(paragraphs 52-55)**; and
- a reaction direction module for directing said response **(paragraphs 63-76)**.

Regarding claim 17, Desai teaches an intrusion detection central system comprising **(paragraphs 34-39)**:

- a bus for communicating information **(paragraphs 44-49)**;
- a processor coupled to said bus, said processor for processing said information including instructions for coordinating security information from a plurality of different security intrusion attempt identification components **(paragraphs 46-54)**; and
- a memory coupled to said bus, said memory for storing said information, including instructions for coordinating security information from a plurality of different security intrusion attempt identification components **(paragraphs 63-76)**.

Regarding claims 2 and 9, Desai teaches wherein said information includes intrusion detection alerts **(paragraphs 49-56)**.

Regarding claim 3, Desai teaches centrally tracking information associated with intrusion detection alerts from said plurality of different types of intrusion detection sensors **(paragraphs 45-52)**.

Regarding claim 4, Desai teaches wherein said tracking information associated with intrusion detection includes assigning severity assignments standardized across said plurality of different types of intrusion detection sensors **(paragraphs 51-56)**.

Regarding claim 5, Desai teaches wherein said intrusion detection alerts are correlated based upon various alert attributes **(paragraphs 45-53)**.

Regarding claim 6, Desai teaches wherein said response conforms to an enterprise wide strategy **(paragraphs 56-62)**.

Regarding claim 7, Desai teaches managing said detection sensors **(paragraphs 41-46)**.

Regarding claim 10, Desai teaches wherein said integration module selects appropriate hooks in an intrusion detection system **(paragraphs 51-57)**.

Regarding claim 11, Desai teaches wherein said data collection module logs alerts from said plurality of different types of security examination components **(paragraphs 45-53)**.

Regarding claim 12, Desai teaches wherein said alerts are provided by a simple network management protocol (SNMP), a system log and an application program interface **(paragraphs 42-52)**.

Regarding claim 13, Desai teaches wherein said integration module includes analyzing a plurality of manners in which an alert can be provided and selecting the manner that is the most secure with the least dependencies in a communication path **(paragraphs 66-78)**.

Regarding claim 14, Desai teaches wherein said integration module utilizes a network application management platform to log information **(paragraphs 42-52)**.

Regarding claim 15, Desai teaches wherein: an open view operation simple network management protocol trap is utilized to handle simple network management protocol trap based alerts; an open view operation log file encapsulator handles system log based alerts; and an open view message interceptor handles application program

interface propagated alerts with the help of an operation message mechanism **(paragraphs 41-52)**.

Regarding claim 16, Desai teaches wherein a secure open view template configuration is utilized to log information and the one message group is configured for handling intrusion detection system alerts and another message group is configured for handling intrusion detection system errors **(paragraphs 45-52, 75-79)**.

Regarding claim 18, Desai teaches wherein said instructions include security management instructions implemented on a network application management platform **(paragraphs 64-79)**.

Regarding claim 19, Desai teaches a central console for interfacing with said network application management platform **(paragraphs 95-101)**.

Regarding claim 20, Desai teaches wherein said instructions include incident reaction instructions **(paragraphs 66-78)**.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hackenberger et al. (US Patent Application Publication 2002/0184532) teaches multiple security modules providing alerts, Fischman et al (US Patent Application Publication 2003/0097588) teaches correlating security information from diverse sources for intrusion detection, Bruton, III et al. (US Patent Application Publication 2003/0145225) teaches a centralized intrusion detection system, Scheidell (US Patent Application Publication 2004/0098623) teaches an IDS gathering information from a plurality of different types of intrusion detection sensors; processing

said information, wherein said processing provides a consolidated correlation of said information; assigning a response corresponding to said information; and implementing said response.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DGC

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11/01/06